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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JACK B. LEMONIK,

Plaintiff,

-against-

CIVIL ACTION NO.  
08 Civ. 00900 (JSR)

SUN LIFE INSURANCE & ANNUITY COMPANY OF  
NEW YORK,

Defendant.

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**RULE 26(a)(3) PRETRIAL DISCLOSURES**

The Plaintiff, JACK B. LEMONIK, by his attorneys, Quadrino Schwartz, P.C., as and for his Pretrial Disclosures pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, respectfully sets forth the following:

(A) Witnesses to Be Presented at Trial

Plaintiff intends to call the following witnesses at the trial of this action:

Jack B. Lemonik

Celia Lemonik

Dr. Leo J Shea III PhD

Dr. Susan Levine M.D.

In addition, Plaintiff may call the following witnesses if the need arises:

Michael Mendez

Ellen Singer

Defendant has previously been advised of the address and telephone numbers of these witnesses.

(B) Witnesses to Be Presented By Means of A Deposition Transcript

Plaintiff does not intend to present any witnesses by means of a deposition transcript.

(C) Identification of Trial Exhibits

Plaintiff intends to offer the following documents as Exhibits at trial (references are to the Sun Life Claim file Bates stamp numbers where appropriate):

Sun Life Policy No. 89439 (000039-000066)

Cover letter of Jack Lemonik dated July 7, 2006 with enclosed claim form (000085-000098)

Attending Physicians Statement (000151-000154)

Sun Life Request for Information, Training and Experience with enclosed education and work history of Jack Lemonik (000155-000158)

Medical Records of Long Island Jewish Heath System, Dr. Jane Carleton and Dr. Hiram Cody (000164-000270 and 000423-000442)

October 2, 2006 Denial of Claim letter (000491-000498)

Medical Report/Diagnosis of Susan Levine, M.D. dated May 4, 2007 (000768-000770)

Curriculum Vitae and publications of Dr. Levine concerning Chronic Fatigue Syndrome (000769-000782)

Neurophysiological Evaluation of Jack B. Lemonik performed by Leo J Shea III, PhD (000784-000800) and raw data of Dr. Shea

Supplemental Report of Leo J Shea PhD dated August 1, 2008

Curriculum Vitae of Leo J. Shea III PhD (annexed to Plaintiffs June 16, 2008 Supplemental Expert Disclosure)

Personal Statement of Jack Lemonik dated May 21, 2007 ( 000802-000804)

Occupational Statement of Jack Lemonik dated March 25, 2007 (000806-000814)

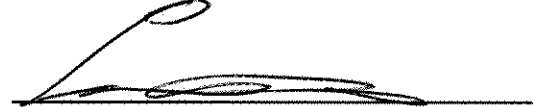
Denial of Appeal Letter dated July 13, 2007 (001461-001467)

In addition to the above stated documents, plaintiff may offer such documents contained in the claim file of Sun Life Insurance Company which were relied upon by Sun Life in making its adverse benefits determination or any documents produced during discovery by third parties and deposition exhibits in connection with the transcripts of any experts who testified by deposition as the need arises at the time of trial.

Dated: Garden City, New York  
August 18, 2008

QUADRINO SCHWARTZ

By:



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Attorneys for Plaintiff  
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